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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,026	02/03/2004	Hank Risan	MOMI-016	5346
70407 7590 03/02/2010 MEDIA RIGHTS TECHNOLOGIES C/O WAGNER BLECHER LLP 123 WESTRIDGE DRIVE WATSONVILLE, CA 95076				
EXAMINER				
CHEN, SHIN HON				
ART UNIT		PAPER NUMBER		
2431				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,026

Applicant(s)

RISAN ET AL.

Examiner

SHIN-HON CHEN

Art Unit

2431

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 2/17/10

DETAILED ACTION

1. Claims 1-56 have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/17/10 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 4-21, 23-38 and 40-56 are rejected under 35 U.S.C. 102(a) as being anticipated by Lee et al. U.S. Pub. No. 20030225701 (hereinafter Lee).
5. As per claim 1, Lee discloses a method for controlling presentation of a computer readable media of a media storage device (Lee: [0037] and [0120]), said method comprising: verifying the presence of a media presentation mechanism and a usage compliance mechanism on a computer system (Lee: [0037] lines 8-13: the user system is required to install the content

controller CCR in prevent data from unauthorized duplication), said usage compliance mechanism comprising a file system filter driver for controlling data reads associated with said computer readable media (Lee: [0037]), said media presentation mechanism communicatively coupled with said usage compliance mechanism (Lee: [0100]-[0103]: the media presentation mechanism generates the contents after decryption and usage rule verification); performing a first decryption of said computer readable media with said file system driver (Lee: [0100]: the header portion is decrypted in order to extract content key and usage rules); and performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption (Lee: [0102]: the content is decrypted using the content key residing in the decrypted header portion).

6. As per claim 2, Lee discloses the method of claim 1. Lee further discloses installing said usage compliance mechanism on said computer system when said usage compliance mechanism is not present on said computer system (Lee: [0061]: the user system is required to download and install program to facilitate content protection); and installing said media presentation mechanism on said computer system when said media presentation mechanism is not present on said computer system (Lee: [0103]: the playback of content requires predetermined presentation mechanism).

7. As per claim 4, Lee discloses the method of claim 1. Lee further discloses affixing a unique identifier to said media storage device (Lee: [0101]: UUID stored on data).

8. As per claim 5, Lee discloses the method of claim 4. Lee further discloses wherein said unique identifier is a serial number and comprising: generating said serial number before or during disposition of said computer readable media on said media storage device (Lee: [0066]: the UUID is generated and delivered to key server to be included in the protected content prior to content delivery; [0064]: the UUID could be serial number).

9. As per claim 6, Lee discloses the method of claim 5. Lee further discloses watermarking said computer readable media via said media presentation mechanism during decryption of a first encryption applied to said computer readable media, said media presentation mechanism further causing said unique identifier to be watermarked onto an outgoing data stream containing said computer readable media (Lee:[0075]: inserting watermark to track digital contents afterwards).

10. As per claim 7, Lee discloses the method of claim 1. Lee further discloses encrypting said computer readable media prior to disposal of said computer readable media on said media storage device (Lee: [0073]: the content is encrypted prior to uploading/distribution).

11. As per claim 8, Lee discloses the method of claim 7. Lee further discloses wherein said encrypting comprises: applying a first encryption to said computer readable media (Lee: [0102]: the data is encrypted using encryption key); and applying a second encryption to said first encryption of said computer readable media (Lee: [0100]: the header contains encryption key and usage rules and is encrypted using user unique ID).

12. As per claim 9, Lee discloses the method of claim 7. Lee further discloses wherein said encrypting comprises: applying a first unique encryption to each instance of said computer readable media when a plurality of computer readable media is disposed on said media storage device (Lee: [0102]: the data is encrypted using encryption key); and applying a second unique encryption to each said first unique encryption of said computer readable media (Lee: [0100]: the encryption key and usage rules are encrypted using the UUID).

13. As per claim 10, Lee discloses the method of claim 8. Lee further discloses decrypting said second encryption with said file system filter driver using a second decryption key stored by said media storage device (Lee: [0100]: content header is decrypted using the unique user ID generated by the CCR/system filter driver).

14. As per claim 11, Lee discloses the method of claim 8. Lee further discloses decrypting said first encryption with said media presentation mechanism using a first decryption key stored by said media storage device before or concurrent with said presenting (Lee: [0102]-[0103]: utilizing the encryption key extracted from the header to decrypt content prior to playback of content using media presentation application programs).

15. As per claim 12, Lee discloses the method of claim 8. Lee further discloses communicatively coupling said computer system with a server (Lee: [0048]: the key management server); and decrypting said second encryption with said file system filter driver

using a second decryption key stored by said server (0048): the key management server manages users unique key used to encrypt header portion).

16. As per claim 13, Lee discloses the method of claim 8. Lee further discloses communicatively coupling said computer system with a server (Lee: [0068]: key management server comprises content encryption key generator); and decrypting said first encryption with said media presentation mechanism using a first decryption key stored by said server (Lee: [0068]: the content encryption/decryption key is generated and stored by the key management server).

17. As per claim 14, Lee discloses the method of claim 1. Lee further discloses communicatively coupling said computer system with a network; availing to said network an instance of said computer readable media for sharing among a plurality of nodes of said network by said computer system; decrypting said instance of said computer readable media from an encryption local to said computer system; encrypting said instance of said computer readable media into an intermediate encryption; and transferring said instance of said computer readable media in said intermediate encryption to a node of said network, wherein said decrypting and said encrypting and said transferring are in response to receiving a request for said instance of said computer readable media from said node (Lee: [0062]: the content import/export manager allows content to be transferred between devices through a network and devices are operable to generate unique keys for encrypting content).

18. As per claim 15, Lee discloses the method of claim 14. Lee further discloses receiving an intermediate encryption key by said computer system, said intermediate encryption key for said encrypting said instance of said computer readable media into said intermediate encryption (Lee: [0063]; the unique ID generator serve as intermediate encryption key used for transferring content within a network).

19. As per claim 16, Lee discloses the method of claim 15. Lee further discloses generating a request by said computer system for said intermediate encryption key (Lee: [0063]; import/export manager manages communication between computer system and PDA); and receiving said intermediate encryption key from an administrative node of said network (Lee: [0063]; the CPM/administrative node manages information communication and the unique ID generator and communication division are inevitable constituents for digital content request with CPM).

20. As per claim 17, Lee discloses the method of claim 14. Lee further discloses using a client application coupled with said computer system to perform said decrypting and said encrypting (Lee: [0061]-[0062]; the computer system is installed with program to ensure content is protected during communication with other devices).

21. As per claim 18, Lee discloses the method of claim 14. Lee further discloses using said media presentation mechanism to perform said availing to said network said instance of said computer readable media (Lee: [0062]; PD manager).

22. As per claim 19, Lee discloses the method of claim 14. Lee further discloses updating said media presentation mechanism and said usage compliance mechanism via said network (Lee: [0062]: the computer system communicates with CPM over a network to manage rights).

23. As per claim 20, Lee discloses the method of claim 14. Lee further discloses storing said instance of said computer readable media in a custom file system of memory coupled with said computer system, said custom file system accessible to a media presentation mechanism (Lee: [0102]: the protected content are not recorded in the disc of the computer system in decrypted state for security or protection of copyright data, but are made to exist only in memories).

24. As per claim 21, 23-38 and 40-56, they encompass the same scope as claims 1, 2 and 4-20. Therefore, claim 21, 23-38 and 40-56 are rejected based on the same rationale as applied above in rejecting claims 1, 2 and 4-20.

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 3, 22 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.

27. As per claim 3, 22 and 39, Lee discloses the limitation of claims 2, 21 and 38 respectively. Lee does not explicitly disclose using an autorun mechanism disposed on said media storage device for initiating said installing of said usage compliance mechanism on said computer system in response to said computer system receiving said media storage device; and using said autorun mechanism for initiating said installing of said media presentation mechanism on said computer system in response to said computer system receiving said media storage device. However, autorun mechanism stored on media storage device is well known in the art to prompt installation of software. Therefore, it would have been obvious to one having ordinary skill in the art to provide necessary software/mechanism required to facilitate content protection as taught by Lee (Lee: [0061] lines 11-14) as an autorun mechanism.

Response to Arguments

28. Applicant's arguments filed on 2/17/10 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant mainly argues that the prior art of record does not explicitly disclose "performing a first decryption with said file system driver; and performing a second decryption of said computer readable media...said second decryption is different from and unrelated to said first decryption". However, the examiner disagrees. The prior art of record discloses first decrypting the file header to retrieve content key and usage rule and then use the content key and usage rule as second decryption to decrypt the content (Lee: [0102]). Based on broadest interpretation of the claim as presented, the first and second decryption are indeed different and unrelated because the keys required for each decryption are different. Therefore,

applicant is advised to specifically disclose the inventive concept in the claims to distinguish from prior art.

Furthermore, the applicant argues that prior art does not disclose that the first decryption and second decryption are unrelated. The examiner disagrees. The degree of relationship can vary from totally unrelated or just unrelated in certain aspect. Based on the claim language, it is difficult to ascertain how unrelated the two decryptions are. Therefore, applicant is advised to clarify the first and second decryption process and how they are different and unrelated to expedite prosecution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
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